UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,871	02/12/2004	Shaibal Roy	ID-494 (80215)	6107

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EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
01/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 December 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Response to Arguments

Applicant argues the application of Bern, stating that Bern fails to disclose the object as not providing the UIDs separately, examiner notes that the claim language states "UID list being provided by the protocol engine module independent of respective ones of the email data files" which is different then the UID separately. Therefore examiner is not persuaded by language that is not in the claim, in addition any language that supports such an interpretation.

Applicant goes on to argue that Hoglund does teach a "protocol engine module also initiating polling," examiner disagrees. Hoglund discusses many different ways of accessing the emails. And in discussing in paragraph 88 it discusses when the devices is set to retrieve the message, but in paragraph 96 it discusses the devices accessing the messages every 30 minutes as the claim requires (polling). Applicant is implying features that are not supported by the prior art.

Applicant argues that Hoglund and Horstamm are not compatible examiner is not persuaded. Applicant's argument argues reasons that do not affect the operations of the prior art. Arguing devices must be registered and polling at an interval regardless of whether the user is currently logged into the communication server, do not affect the operations of each other. Wireless devices connect and disconnect for their network, since they are mobile and the networks are stationary therefore examiner is not persuaded by the argument.

Applicant argues the combination of Bern, but provided no bases of how the prior art is not compatible only stating that the references are not, this is not sufficient to overcome the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 9-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoglund, (United States Patent Application Publication 2002/0026513) in view of Horstmann et al. (United States Patent 6,779,022) in further view of Bern (United States Patent Application Publication 2002/0009986).

For claim 1, Hoglund teaches, a communications system comprising:

a plurality of mobile wireless communications devices each comprising a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail (email) and to send at least one access request; (Hoglund, paragraph 65 RF/NCP, paragraph 36, automatic poll, POP and IMAP)

a plurality of email data storage devices for storing email data files, each email data file being associated with a respective mobile wireless communications device,

each email data file having a unique identification (UID) associated therewith, and each

email data storage device using at least one of the plurality of different operating

protocols; (Hoglund, paragraph 35, POP and IMAP, paragraph 91, message id, unique,

paragraph 93, POP, IMAP)

and a protocol interface device comprising

a protocol converter module for communicating with the respective software

client of each of said plurality of mobile wireless communications devices using

respective operating protocols thereof, and (paragraph 87, proxy architecture, works

with POP and IMAP, paragraph 936, interprets, paragraphs 104-106, worker threads,

figure 6B)

a protocol engine module for communicating with said plurality of email data

storage devices using respective operating protocols thereof, (Hoglund, paragraph 35,

pop and imap, paragraphs 104-106, protocol identifier)

said protocol engine module also for initiating polling of said email data storage

devices for UIDs of email data files stored thereon to maintain a UID list, (Hoglund,

figure 8a, messages, paragraphs 90-91, messages ids, paragraph 107-109, raw

message queue, compare those IDs with the IDs of message that have already been

downloaded)

and for cooperating with said protocol converter module to provide the UID list to

the respective software client of each of said plurality of mobile wireless

communications devices upon receiving access requests therefrom, (Hoglund,

paragraph 91, message ID, paragraphs 92-93, notified to transmit message to

designated wireless device, paragraph 69, customers)

  said protocol engine module also initiating polling (Hoglund, paragraph 96,

automatically, every 30 minutes)

Hoglund, fails to clearly disclose, without initiated configuration commands and

instructions from said software client thereof, and irrespective of communications with

said given mobile wireless communication device.

Horstmann teaches, without initiated configuration commands and instructions from said

software client thereof, and irrespective of communications with said given mobile

wireless communication device. (Horstmann, Col. 4 lines 18-45, Mail poller, periodically)

It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to combine Hoglund and Horstmann, by replacing Hoglund poller

with that of Horstmann, because Horstmann, provides the added advantage of pushing

through a firewall. (Horstmann, Col. 3 lines 48-50).

Hoglund-Horstmann fails to clearly disclose, the UID list being provided by the protocol

engine module independent of respective ones of the email data files

Bern teaches, the UID list being provided by the protocol engine module independent of respective ones of the email data files (Bern, paragraphs 12, 14, 16, 18, UID list)

Hoglund, Horstmann and Bern are compatible.

Hoglund, Horstmann and Bern are in the email arts.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace send the entire message of Horstmann with that of sending a smaller message of Bern, because the message of Bern could be more efficiently. (Bern, paragraph 14)

For claim 2, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 wherein said protocol engine module detects new email data files stored on said email data storage devices based upon UIDs thereof, and wherein said protocol engine module cooperates with said protocol converter module to send alert notifications to respective mobile wireless communications devices upon detecting new email data files therefor. (Hoglund, paragraph 91, message ID, paragraphs 92-93, notified to transmit message to designated wireless device)

For claim 3, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 wherein said protocol interface device further comprises a memory coupled to said protocol engine module for storing the UIDs. (Hoglund, paragraph 91, compare IDs)

For claim 4, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 wherein said protocol engine module polls said email data storage devices only for UIDs. (Hoglund, paragraph 91, compare IDs)

For claim 5, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 wherein said protocol engine module polls said email data storage devices based upon a static polling interval. (Hoglund, paragraph 96, 30 min)

For claim 6, Hoglund-Horstmann-Bern teaches, the communications system of Claim i wherein said protocol engine module polls said email data storage devices based upon an adaptive polling interval. (Hoglund, paragraph 81, adaptive to schedule, paragraph 47, realtime)

For claim 7, Hoglund-Horstmann-Bern teaches, the communications device of Claim 1 wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (Hoglund, paragraph 104-106, POP, IMAP)

For claim 9, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 wherein said plurality of email data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process email messages. (Hoglund, paragraph 43, email)

For claim 10, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (Hoglund, paragraph 65, roam across country)

For claim 11, Hoglund-Horstmann-Bern teaches, the communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said email data storage devices with said protocol interface device. (Hoglund, paragraphs 71-73, internet)

Claims 12-33 list all the same elements of claims 1-7 and 9-11. Therefore, the supporting rationale of the rejection to claims 1-7 and 9-11, applies equally as well to claims 12-33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoglund-

Horstmann-Bern in view of Hopmann et al. (US Patent 6,578,069).

For claim 8, Hoglund-Horstmann-Bern fails to clearly disclose, the communications

system of claim 7 wherein the common interface protocol is based upon a Web-based

distributed authoring and versioning (WebDAV) protocol.

Hopmann teaches, the communications system of claim 7 wherein the common

interface protocol is based upon a Web-based distributed authoring and versioning

(WebDAV) protocol. (Hopmann, Col. 10 lines 25-37, webdav)

Hopmann and Hoglund-Horstmann-Bern are both in field of invention preventing

duplicate downloads (Hopmann, Col. 2 line 37) and (Hoglund, paragraph 90)

Hoglund-Horstmann-Bern and Hopmann both utilize UID to track document making both

systems compatible

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Hoglund-Horstmann-Bern with Hopmann, by adding the support for the WebDav protocol. because Hopmann provided the added benefit of being able to track changes when disconnected from the network and connected to a different server. (Hopmann, Col. 2 line 65 to line 3 line 7)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-

3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax

interview requests prior to filing a response to 571-273-3906.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

     /Ajay Bhatia/

     Primary Examiner, Art Unit 2445